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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/246,389	02/09/1999	ANTHONY J. DEZONNO	97RSS430/713	6116

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/246,389	Applicant(s) DEZONNO, ANTHONY J.	
	Examiner Gerald Gauthier	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1-25** are rejected under 35 U.S.C. 102(a) as being anticipated by Hurd (US 5,923,745).

Regarding **claims 1 and 21**, Hurd discloses a method of reducing messages traffic among peripherals of an automatic call distributor (column 1, lines 10-12), such method comprising the steps of:

forming a message table in a first peripheral of the automatic call distributor where the message table contains indicia that controls whether message traffic is forwarded or not forwarded based upon a message type defined by the indicia (column 11, lines 6-40) [The processor 56 generates a suitable customer profile from the collected customer information. This customer profile is the message table that contain information about customer interest and the processor 56 determines if the transaction should be completed at the network routing unit 12 or to be forwarded to an other call center]; and

forwarding or not forwarding a message received by the first peripheral from a source peripheral to a second peripheral of the automatic call distributor based upon a

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comparison of the indicia within the message table with a content of the message (column 11, lines 41-65) [The processor 56 determined to completed the transaction or to forward the transaction to an other call center which includes an automatic call distribution and the processor 56 forwards the call to the call center which the customer service representative who is most appropriate to respond to the needs of the customer].

Regarding **claim 2**, Hurd discloses entering an identifier of a message to be forwarded into the formed message table in the peripheral (column 5, lines 15-34).

Regarding **claim 3**, Hurd discloses wherein the step of entering the identifier of the message further comprises entering a corresponding destination identifier to the entry (column 5, lines 15-34).

Regarding **claim 11**, Hurd discloses all the limitations of **claim 11** as stated in **claim 1**'s rejection and further more discloses means for amending the table upon startup of the peripheral (column 11, lines 19-22) [The processor 56 generates a suitable customer profile and the customer profile is stored into a memory at the call setup of the network routing unit 12].

Regarding **claims 12 and 22**, Hurd discloses means for forming a list of identifiers of unnecessary messages in the peripheral to upon startup (column 9, lines 30-45).

Regarding **claims 13 and 23**, Hurd discloses wherein the means for forming the list of unnecessary messages further comprises means for retrieving the list from memory (column 9, lines 30-45).

Regarding **claims 14 and 24**, Hurd discloses means for sending the list of unnecessary messages to the automatic call distributor (column 9, lines 30-45).

Regarding **claim 15 and 25**, Hurd discloses wherein the step of sending the list of unnecessary messages further comprises storing the list in said table of the automatic call distributor (column 9, lines 15-30).

Regarding **claim 16**, Hurd discloses forming a message for transmission to a set of peripherals, including the peripheral (column 10, lines 35-43).

Regarding **claim 17**, Hurd discloses wherein the step of forming a message for transmission to a set of peripherals further comprises retrieving an identifier of said peripheral of the set of peripherals (column 10, lines 18-34).

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Regarding **claim 18**, Hurd discloses wherein the step of retrieving an identifier of said peripheral of the set of peripherals further comprises retrieving the list of unnecessary messages from said table based upon said identifier of said peripheral (column 9, lines 30-45).

Regarding **claim 19**, Hurd discloses wherein the step of retrieving the list further comprises comparing an identifier of the message with the list of unnecessary messages transmitted from said peripheral to the automatic call distributor (column 9, lines 30-45).

Regarding **claim 20**, Hurd discloses wherein the step of comparing the identifier of the message with the list of unnecessary messages further comprises discarding the message when a match is found between the identifier of the message and an entry of the list of unnecessary messages (column 9, lines 30-45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurd in view of Kelly, Jr. et al. (US 5,335,268).

Regarding **claim 4**, Hurd as applied to **claim 3** differs from **claim 4**, in that it fails to disclose a reference to a line of a message matrix.

However, Kelly teaches wherein the step of entering the identifier further comprising providing a reference to a line of a message matrix (column 6, lines 11-42).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the routing plan in the form of the matrix to provide a reference to a line of the matrix of Kelly in the database table of Hurd.

The modification of the invention would offer the capability of the routing plan in the form of the matrix to provide a reference to a line of the matrix such as the system would dynamically balancing special telephony traffic for clearing the overflow traffic would enhanced.

Regarding **claim 5**, Hurd discloses wherein the step of sending the list of unnecessary messages further comprises storing the list in said table of the automatic call distributor (column 9, lines 15-30).

Regarding **claim 6**, Hurd discloses forming a message for transmission to a set of peripherals, including the peripheral (column 10, lines 35-43).

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Regarding **claim 7**, Hurd discloses wherein the step of forming a message for transmission to a set of peripherals further comprises retrieving an identifier of said peripheral of the set of peripherals (column 10, lines 18-34).

Regarding **claim 8**, Hurd discloses wherein the step of retrieving an identifier of said peripheral of the set of peripherals further comprises retrieving the list of unnecessary messages from said table based upon said identifier of said peripheral (column 9, lines 30-45).

Regarding **claim 9**, Hurd discloses wherein the step of retrieving the list further comprises comparing an identifier of the message with the list of unnecessary messages transmitted from said peripheral to the automatic call distributor (column 9, lines 30-45).

Regarding **claim 10**, Hurd discloses wherein the step of comparing the identifier of the message with the list of unnecessary messages further comprises discarding the message when a match is found between the identifier of the message and an entry of the list of unnecessary messages (column 9, lines 30-45).

Response to Arguments

5. Applicant's arguments with respect to **claims 1-25** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.
October 28, 2004

W H A 10/28/04
ROLAND G. FOSTER
PRIMARY PATENT EXAMINER